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09/822,603	03/30/2001	Guojun Zhou	42390P10779	1244

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EXAMINER

SHANG, ANNAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/822,603	Applicant(s) ZHOU, GUOJUN	
	Examiner Annan Q. Shang	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Griggs (2002/0029384)** in view of **Ellis et al (6,774,926)**.

As to claims 1-3, note the **Griggs** reference figures 1-5, discloses mechanism for distributing content data and further discloses a method comprising:

providing access to television programming to enable a customer of a broker (figs.1-5, System Server 'SS' 105, 125, 207, etc, page 2, [0028-0031] and [0033-0034]) to create a custom channel (channel including customized program schedules) including at least one television program selected from the television programming (page 3, [0036-0038], [0041-0044] and [0046-0050]), note that SS-105 stores users' preferences and accounts;

receiving at the broker input from the customer to create the custom channel; and transmitting from the broker to the customer the custom channel including the at least one television program (page 3, [0036-0038], [0041-0044] and [0046-0050], [0052-0055] and [0064-0065]) and further teaches encrypting the broadcast (page 4, [0047-0048]).

Griggs further teaches where the System Server establishes a communication channel with a user and streams broadcast programs, live or pre-ordered, with respect to a user specified locations as indicated in the user's preferences, but fails to explicitly teach where the custom channel is create by the user.

However, note the **Ellis** reference figures 1-2, discloses personal television channel system, which permits a viewer or contributor to create a personal channel(s) and where a server transmits personal channel(s) and data as indicated by the viewer via cable network or satellite (figs.1, 8-14, col.2, line 57-col.3, line 29, line 55-col.4, line 4, line 59-col.5, line 22 and col.9, line 61-col.10, line 33).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Griggs to allow a user to have control of the broadcast channel(s) by indicating to the System Server or the Service Provider, a preferred channel to transmit the requested program(s) of interest.

As to claims 4-5, Griggs further discloses providing access to TV programming comprises providing at least one access code to the customer and assigning an access level to the at least one access code (page 3, [0035], [0038-0042] and [0045-0048]).

As to claims 6-7, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3 above.

Claim 8 is met as previously discussed with respect to claims 4-5.

As to claims 9-10, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

Claim 11 is met as previously discussed with respect to claims 4 and 5.

As to claims 12-14, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claim 15, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 16, Griggs further discloses where the viewer selects from the listing of available television programming a second television program, selecting a second time for viewing the second television program, the second time delayed relative to a scheduled broadcast time for the second television program, and adding the second television program and the second time to the custom channel (page 3, [000034-0036], [0039-0043] and [0045-0047]).

As to claim 17, Griggs further discloses where selecting from the listing of available television programming a second television program, selecting a second time for viewing the second television program at least partially coinciding with the selected time for viewing the at least one selected television program, and adding the second television program and the second time to another custom channel (page 3, [000034-0036], [0039-0043] and [0045-0047]).

As to claims 18-20, the claimed "a method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

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As to claim 21, Griggs further discloses recordable digital video (Disk/local Storage) "video storage medium" couple to the receiver to receive and store television programming (page 5, [0053-0060]).

Claim 22 is met as previously discussed with respect to claims 1-3.

As to claim 23, Griggs further discloses an access circuitry coupled to the customer interface, for receiving and verifying a viewer access code (page 3, [0035], [0038-0042] and [0045-0048])..

As to claims 24-27, the claimed "a system comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-4.

As to claims 28-30, the claimed "an article of manufacture, comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claim 31, Griggs further discloses where the access level identifies at least one category of TV programming the customer is prohibited from accessing (page 4, [0045-0048]).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection discussed above. This office action is non-final.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Menard et al (6,810,526) disclose centralized broadcast channel real-time search system.

Gilboy (6,642,938) discloses real time personal channel.

Levitan (5,534,911) discloses virtual personal channel in a TV system.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', enclosed within a rectangular box.

**Annan Q. Shang**